

St. Louis City Ordinance 63670

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 266

INTRODUCED BY ALDERMAN MARY ROSS

AAAn Ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment authorizing the Director of Airports and the Comptroller to enter into and execute on behalf of the City of St. Louis ("Lessor"), a fifth amendment to the Indenture of Lease dated July 1, 1955 between the Lessor and Lambert Field Fueling Facilities Corporation ("Lessee"), which was authorized under Ordinance 47554 approved June 28, 1955 as amended by Ordinance 57108 approved January 30, 1976, Ordinance 57585 approved April 3, 1978, Ordinance 59330 approved December 7, 1984 and Ordinance 63292 approved October 14, 1994; and containing an emergency clause.

WHEREAS, The City of St. Louis ("Lessor") and Lambert Field Fueling Facilities Corporation ("Lessee") are parties to an Indenture of Lease dated July 1, 1955 ("the Lease"), which was authorized under Ordinance 47554 approved June 28, 1955 as amended by Ordinance 57108 approved January 30, 1976, Ordinance 57585 approved April 3, 1978, Ordinance 59330 approved December 7, 1984 and Ordinance 63292 approved October 14, 1994; and WHEREAS, the Lessor and the Lessee desire to amend the Lease, as amended, to their mutual benefit by amending Section 109., Section 301.(p), Section 504. and Section 1101.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Director of Airports and the Comptroller are hereby authorized and directed to enter into and execute on behalf of the City of St. Louis, a fifth amendment to the Indenture of Lease dated July 1, 1955 with Lambert Field Fueling Facilities Corporation, authorized under Ordinance 47554 approved June 28, 1955 as amended by Ordinance 57108 approved January 30, 1976, Ordinance 57585 approved April 3, 1978, Ordinance 59330 approved December 7, 1984 and Ordinance 63292 approved October 14, 1994; this fifth amendment to read in words and figures as set out in Exhibit 1 which is attached hereto and is made a part hereof.

SECTION TWO. This being an ordinance to provide for public work and improvement, it is hereby declared to be an emergency measure as defined in

Article IV, Section 20, of the City Charter and shall become effective immediately upon approval of the Mayor of the City of St. Louis.

FIFTH AMENDMENT
TO
INDENTURE OF LEASE
(Lambert Field Fueling Facilities Corp.)

THIS FIFTH AMENDMENT, entered into this day of , 19 between the CITY OF ST. LOUIS, a municipal corporation of the State of Missouri ("Lessor") and LAMBERT FIELD FUELING FACILITIES CORPORATION, a Delaware corporation, ("Lessee") is an amendment to an Indenture of Lease dated July 1, 1955 ("the Lease") which was authorized by Ordinance 47554, approved June 28, 1955 as amended.

WITNESSETH, That:

WHEREAS, the Lessor and the Lessee are parties to the Lease, an amendment to the Lease which is undated ("the First Amendment"), an amendment to the Lease dated October 1, 1977 ("the Second Amendment"), an amendment to the Lease dated December 10, 1984 ("the Third Amendment") and the amendment to the Lease dated November 9, 1994 ("the Fourth Amendment"); and

WHEREAS, the Lessor and the Lessee desire to amend the Lease to their mutual benefit.

NOW, THEREFORE, for and in consideration of the promises, and of the mutual covenants and agreements herein contained, and other valuable considerations, the Lessor and Lessee agree as follows:

Section 1. Section 109 of the Lease, describing the fueling area, as amended by Section 2 of the First Amendment and Section 1 of the Third Amendment are hereby deleted in their entirety and the following Section 109 is substituted in its place:

"109. The term "fueling area" means that tract of land on the Airport being shown and described on Exhibit A attached hereto and made a part hereof."

The effective date of Section 1 of the Fifth Amendment and the attached Exhibit A to the Fifth Amendment will be that date of the partial or full occupancy of the twelve (12) gate East Terminal Expansion by an Air Carrier

and the partial or full occupancy of the current East Terminal (Gates 79, 80, 81) by the Lessor's East Terminal Operator.

Section 2. Section 301(p) of the Lease as amended by Section 3 of the Third Amendment is hereby added to ARTICLE III of the Lease as follows:

"(p) The right to install, at its own cost and expense, an auditable fuel distribution system at the twelve (12) Gate East Terminal Expansion that is compatible with the existing Airport fuel distribution system and acceptable to the Lessor's Director of Airports."

Section 3. Section 504 of the Lease is hereby deleted in its entirety and the following Section 504 is substituted in its place:

"504. The Lessee, at its own cost and expense, shall maintain, make repairs to or replacements of the Facilities and those sections of the fuel distribution system located outside of the fueling area (in accordance with all applicable federal, state and local laws, regulations, or ordinances). The Lessee shall have the right, at its own cost and expense, to construct and install buildings, structures or improvements in the fuel storage area and additions to or extensions, modifications or improvements which are of a type similar to and compatible with the Facilities (in accordance with all applicable federal, state and local laws, regulations or ordinances); provided, however, that the Lessor's Director of Airports shall have the right to inspect the plans and specifications for any such buildings, structures or improvements in such area and for any such additions or extensions, modifications or improvements prior to the construction and installation thereof, and to refuse to permit such construction or installation if the exterior appearance thereof does not meet the Lessor's reasonable requirements for substantial uniformity of appearance of all buildings and structures on the Airport, or if the type of construction or installation or the erection thereof does not meet the Lessor's reasonable requirements for safe, practical and efficient use of the Airport and appurtenances by others authorized so to do. No restriction shall be placed upon the Lessee as to the architects, builders or contractors who may be employed by it in connection with the construction, installation, maintenance, repair or replacement of or extension or addition to the Facilities."

Section 3. Section 1101 of the Lease is hereby deleted in its entirety and the following Section 1101 is substituted in its place:

"1101. The Lessee, at its own cost and expense, shall operate and maintain the Facilities, including the addition of an auditable fuel distribution system at the

twelve (12) gate East Terminal Expansion and those sections of the fuel distribution system located outside of the fueling area, in good working order and repair (in accordance with all applicable federal, state and local laws, regulations or ordinances) and in a manner acceptable to the Director of Airports."

Section 4. All other terms and conditions of the Lease and its amendments are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto for themselves, their successors and assigns, have executed this Fifth Amendment to the Lease as of the day and year first above written.

Pursuant to City of St. Louis Ordinance # approved .

LAMBERT FIELD FUELING FACILITIES CORPORATION:

ATTEST:

Title: Secretary, DATE

Date:

THE CITY OF ST. LOUIS, MISSOURI, OPERATING LAMBERT ST. LOUIS INTERNATIONAL AIRPORT:

The foregoing Agreement was approved by the Airport Commission at its meeting on , 199 .

Commission Chairman Date
and Director of Airports

The foregoing Agreement was approved by the Board of Estimate and Apportionment at its meeting on , 199 .

Secretary, Date
Board of Estimate & Apportionment

APPROVED AS TO FORM:

City Counselor Date Comptroller, Date
City of St. Louis City of St. Louis

Register, Date
City of St. Louis

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/15/95	12/15/95	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/23/96			03/01/96	03/08/96
ORDINANCE	VETOED		VETO OVR	
63670				